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10/560,109	01/17/2006	Calin Turcanu	60091.00441	2893
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LAM, DUNG LE				
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07/10/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/560,109

**Applicant(s)**

TURCANU, CALIN

**Examiner**

DUNG LAM

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13, 14, 17, 18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-14, 17-18, 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 19, 20 and 22 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 19 and 20 recite "computer readable medium" and claim 22 recites, "a computer-readable program distribution medium". However, the examiner was unable to find these limitations in the original specification and thus could not determine whether the medium is a tangible medium or a carrier wave. For examination purpose, the examiner will interpret the medium as a tangible medium only and the medium does not include a carrier wave.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13, 14, 17-18 and 20-23 rejected under 35 U.S.C. 103(a) as being unpatentable over **Mathis** (US Patent Number 2003/0119540) in view of **Haimes** (US Publications 2003/0105820) further in view of **Griffin** (US Pub. 2003/0155447).

2. Regarding **claim 13**, **Mathis** teaches a method comprising:

- storing a list of subscribers in a phonebook application in a subscriber device ([0013, 0009, 0004]),
- storing presence information of the subscribers in the phonebook application ([0013, 0009, 0004]), said presence information including information on the availability of the subscribers for a group call ([0010-0013]);
- Opening the phonebook application in response to a predetermined input from the user interface ([0018], user consult contact list, step 410 in Fig. 4)
- Displaying the list of subscribers on the user interface ([0018], user consult contact list, step 420 in Fig. 4).
- in response to the user's selection of two or more subscribers from the list via the user interface and in response to the user pressing a predetermined button (selecting group TG1 is means users A and B are selected which broadly reads on the limitation of "selection of two or more subscribers", Fig. 2; [0016, 0018]), providing appropriate signaling with a group communication service in a network infrastructure for establishing a ... group call of the selected subscribers and the user of the subscriber device (Step 430, [0013, 0018])

However, **Mathis** does not specifically teach an ad-hoc group call. In an analogous art, **Haimes** teaches providing appropriate signaling with a group communication service in a network infrastructure for establishing an ad-hoc group call consisting of the selected

subscribers and the user of the subscriber device ([0091-0095, 0106, 0128-0130]).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention combine Mathis' teaching of a group call and Haimes' teaching of the ad-hoc group call to allow the user the flexibility to dynamically select who to talk to and not be restricted to a predefined group.

However, **Mathis and Haimes** do not specifically teach, "sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said speech item or said speech item request is sent based on real-time transport protocol".

In an analogous art, **Griffin** teaches "sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said speech item or said speech item request is sent based on real-time transport protocol" (Fig. 10, [0049-0050, 0062, 0066] and Fig 14). Furthermore, Griffin also teaches in response to the user's selection of two or more subscribers from the list via the user interface, displaying a group communications menu on the user interface (Fig. 10, [0049-0050] and Fig 14); providing appropriate signaling with a group communication service in a network infrastructure for establishing an ad-hoc group call consisting of the selected subscribers and the user of the subscriber device ([0049-0050]); Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to include Griffin's teaching of sending a speech item request each time a talk activity is detected with Mathis and Haimes' teaching in order to facilitate the push-to-talk process. It is also advantageous to modify Mathis and Haime's teaching with Griffin's teaching to use RTP because RTP takes

advantage of the existing/emerging framework of Voice over IP (land and wireless) and take advantage of the functions and services offered in the Voice Over IP framework.

3. Regarding **claim 14**, **Mathis** teaches a method comprising:

- storing a list of subscribers in a phonebook application in a subscriber device ([0013, 0009, 0004]),
- storing presence information of the subscribers in the phonebook application ([0013, 0009, 0004]), said presence information including information on the availability of the subscribers for a group call ([0010-0013]);
- Opening the phonebook application in response to a predetermined input from the user interface ([0018], user consult contact list, step 410 in Fig. 4)
- Displaying the list of subscribers on the user interface ([0018], user consult contact list, step 420 in Fig. 4).
- receiving user's selection of two or more subscribers from the list via the user interface (selecting group TG1 is means users A and B are selected which broadly reads on the limitation of "selection of two or more subscribers", Fig. 2; [0016, 0018]); and
- in response to the user pressing a predetermined button, providing appropriate signaling with a group communication service in a network infrastructure for establishing a ... group call of the selected subscribers and the user of the subscriber device (Step 430, [0013, 0018])

However, **Mathis** does not specifically teach an ad-hoc group call. In an analogous art, **Haines** teaches providing appropriate signaling with a group communication service in a network infrastructure for establishing an ad-hoc group call consisting of the selected subscribers and the user of the subscriber device ([0091-0095, 0106, 0128-0130]).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Mathis' teaching of a group call and Haimes' teaching of the ad-hoc group call to allow the user the flexibility to dynamically select who to talk to and not be restricted to a predefined group.

However, **Mathis and Haimes** do not specifically teach, "sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said speech item or said speech item request is sent based on real-time transport protocol".

In an analogous art, **Griffin** teaches "sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said speech item or said speech item request is sent based on real-time transport protocol" (Fig. 10, [0049-0050, 0062, 0066] and Fig 14). Furthermore, Griffin also teaches in response to the user's selection of two or more subscribers from the list via the user interface, displaying a group communications menu on the user interface (Fig. 10, [0049-0050] and Fig 14); providing appropriate signaling with a group communication service in a network infrastructure for establishing an ad-hoc group call consisting of the selected subscribers and the user of the subscriber device ([0049-0050]); Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to include Griffin's teaching of sending a speech item request each time a talk activity is detected with Mathis and Haimes' teaching in order to facilitate the push-to-talk group talk process. It is also advantageous to modify Mathis and Haime's teaching with Griffin's teaching to use RTP

because RTP takes advantage of the existing/emerging framework of Voice over IP (land and wireless) and take advantage of the functions and services offered in the Voice Over IP framework.

4. Regarding **claim 17 and 18**, **Mathis** teaches an apparatus comprising:

- A storage device configured to store a list of subscribers in a phonebook application in a subscriber device and presence information of the subscribers in the phonebook application ([0013, 0009, 0004]), said presence information including information on the availability of the subscribers for a group call ([0010-0013]);
- A user interface configured to display the list of subscribers of the phonebook application ([0018], user consult contact list, step 420 in Fig. 4).
- A controller configured, in response to the user's selection of two or more subscribers from the list via the user interface (selecting group TG1 is means users A and B are selected which broadly reads on the limitation of "selection of two or more subscribers", Fig. 2; [0016, 0018]), to display a group communications menu on the user interface; and
- Said controller being configured, in response to the user pressing a predetermined button, to exchange appropriate signaling with a group communication service in a network infrastructure for establishing a ... group call of the selected subscribers and the user of the apparatus (Step 430, [0013, 0018])

However, **Mathis** does not specifically teach an ad-hoc group call. In an analogous art, **Haines** teaches providing appropriate signaling with a group communication service in a network infrastructure for establishing an ad-hoc group call consisting of the selected subscribers and the user of the subscriber device ([0091-0095, 0106, 0128-0130]).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine **Mathis'** teaching of a group call and **Haimes'** teaching of the ad-hoc group call to allow the user the flexibility to dynamically select who to talk to and not be restricted to a predefined group.

However, **Mathis and Haimes** do not specifically teach, "sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said speech item or said speech item request is sent based on real-time transport protocol".

In an analogous art, **Griffin** teaches "sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said speech item or said speech item request is sent based on real-time transport protocol" (Fig. 10, [0049-0050, 0062, 0066] and Fig 14). Furthermore, Griffin also teaches in response to the user's selection of two or more subscribers from the list via the user interface, displaying a group communications menu on the user interface (Fig. 10, [0049-0050] and Fig 14); providing appropriate signaling with a group communication service in a network infrastructure for establishing an ad-hoc group call consisting of the selected subscribers and the user of the subscriber device ([0049-0050]); Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to include Griffin's teaching of sending a speech item request each time a talk activity is detected with Mathis and Haimes' teaching in order to facilitate the push-to-talk group talk process. It is also advantageous to modify Mathis and Haime's teaching with Griffin's teaching to use RTP

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because RTP takes advantage of the existing/emerging framework of Voice over IP (land and wireless) and take advantage of the functions and services offered in the Voice Over IP framework.

Regarding claims **20-23**, they are claim directing towards computer readable medium and apparatus claims that correspond to claim 13. Therefore, they are rejected for the same reasons as claims 13.

### ***Response to Arguments***

Applicant's arguments with respect to claims 13-14, 17-18 and 20-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUNG LAM whose telephone number is (571) 272-6497. The examiner can normally be reached on M - F 9 - 5:30 pm, Every Other Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617